

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

*

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vs.

CRIMINAL NO. 21-00142-JB

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KARTARIUS JOHNSON

aka Tareeq Akhil Anad,

*

Defendant.

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NOTICE REGARDING PROTECTIVE ORDER

COMES NOW undersigned counsel and files this notice regarding the protective order in this matter.

The government filed a motion for a protective order with an attached protective order, which was granted by the court on December 6, 2021 (doc. 35). Undersigned counsel did not file an objection to the motion or proposed order as he is not a party to the matter. However, undersigned counsel has repeatedly noted in court that Mr. Johnson is entitled to a copy of the discovery pursuant to Fed.R.Crim.Proc. 16(a)(1)(E) and that it would be nearly impossible for him to represent himself, as he has elected, if this right is not honored, especially in a case involving voluminous discovery. The proposed order, which was adopted by the court, appears to contravene this right. The protective order not only prohibits Mr. Johnson from having a copy of the discovery, it also prohibits him from personally

maintaining any copies of notes that he makes from the discovery.

The government's proposed protective order enlists the assistance of undersigned counsel in making arrangements for Mr. Johnson to review the discovery at the U.S. Marshal Service. Undersigned counsel has sought the advice of the Alabama Bar and understands that he cannot undertake any action on behalf of Mr. Johnson as undersigned counsel is not representing him. Undersigned counsel understands that his role is to advise Mr. Johnson should Mr. Johnson request such advice. If Mr. Johnson requests the assistance of counsel, undersigned counsel could be appointed to represent him in this matter.

On December 29, the government notified undersigned counsel that 9,844 pages of redacted discovery are now available at their office for Mr. Johnson's review. Undersigned counsel has concluded that he cannot act on Mr. Johnson's behalf without interfering with his right to represent himself and, consequently, cannot make arrangements for him to review the discovery. The government will have to meet its responsibilities under the Federal Rules of Criminal Procedure without the assistance of undersigned counsel.

Respectfully submitted,

Fred W. Tiemann

FRED W. TIEMANN

Assistant Federal Defender

Southern District of Alabama

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CERTIFICATE OF SERVICE

I do hereby certify that I have served a true and correct copy of the foregoing notice upon Kartarius Johnson by placing the same in the mail and A.U.S.A. Justin Roller by electronic notice on this 3rd day of January, 2022.

/s/Fred W. Tiemann

FRED W. TIEMANN